

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>TEXAS MEDICAL PROVIDERS PERFORMING ABORTION SERVICES, et al.,</b>	§ § § § § § § §	<b>A-11-CA-486-SS</b>
<b>Plaintiffs,</b>		
<b>v.</b>		
<b>DAVID L. LAKEY, M.D., et al., Defendants.</b>		

**ADVISORY TO THE COURT**

**COMES NOW** Defendant David Escamilla through his attorney, the Travis County Attorney, and files this Advisory to the Court and would respectfully show the Court as follows:

On August 5, 2011, counsel for Senator Dan Patrick and Representative Sid Miller filed an Opposed Motion for Leave to Appear as *Amici Curiae*. [Dkt. 50]. *Amicus* Counsel originally filed their motion electronically as if filed by Defendants and stated in paragraph 3 that they “conferred with counsel for both Plaintiffs and Defendants.” [Dkt. 50]. Further, paragraph 4 of their motion stated that “Defendants have consented to the filing of this *Amicus* Brief.” [Dkt. 50]. However, neither Defendant Escamilla nor his attorneys were ever contacted for the purpose of conferencing on this issue, and therefore, never represented that Defendant Escamilla consented to the filing of the *Amicus* Brief. Defendant David Escamilla currently has a Motion to Dismiss pending and at this time is taking no position on the filing of an *amicus* brief at the district court level at this early stage of litigation.

Respectfully submitted,

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By: /s/ Elaine A. Casas

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**ATTORNEYS FOR DEFENDANT  
TRAVIS COUNTY ATTORNEY  
DAVID ESCAMILLA**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of August, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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